

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 3330 of 1997

Date of decision: 5-8-1998

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THAKARSI BHANABHAI

Versus

GHANSHYAMSINH BHURABEN

Appearance:

MR TUSHAR MEHTA for Petitioner

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/08/98

ORAL JUDGEMENT

This appeal under section 173 of the Motor Vehicles Act is directed against the judgment of the Motor Accident Claims Tribunal, Jamnagar, in Claim Petition No.378 of 1991 filed by the appellant-original applicant, under which, for the injuries sustained by him, the Tribunal has awarded compensation of Rs.7,900/(Rs.4,000/- for pain and suffering, Rs.2600/- for medicine and treatment, Rs.500/- for transportation and Rs.800/towards past economic loss). The Tribunal further awarded interest to the claimant on the amount of compensation. Hence this appeal before this court.

2. The claimant has claimed Rs.25,000/- as compensation for the injury sustained by him in the vehicular accident. The contention of the learned counsel for the appellant is that the amount awarded is wholly inadequate.

3. I find from the award that the appellant produced injury certificate at Exh.41 and disability certificate at Exh.42. From these two documents the Tribunal has taken out that he sustained injuries like contusions on the head and abrasion over right knee and contusion on left thigh. These are minor injuries. He was treated as indoor patient for three days in private hospital. Looking to the aforesaid injuries the Tribunal has not committed any error in awarding Rs.4,000/- as compensation on account of pain and suffering undergone by the claimant. Taking into consideration the bill at Exh.40, the Tribunal has awarded Rs.2600/- to the appellant towards expenses for medicine and treatment. Rs.500/- has been awarded as transportation charges, relying on the affidavit of the claimant. For one month the appellant could not work due to the injury he sustained. What he stated in his affidavit has also been believed, and Rs.800/- has been awarded towards economic loss. I fail to see how the amount of compensation awarded by the Tribunal can be said to be inadequate where the appellant has sustained injuries like contusion on the head and thigh and abrasion on knee. The award is perfectly legal and justified and the claim of the appellant made for Rs.25,000/-, in the facts and circumstances of the case, cannot be granted.

4. In the result the first appeal fails and the same is dismissed.

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